

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000055118	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/013687	International filing date (day/month/year) 02.12.2004	Priority date (day/month/year) 04.12.2003	
International Patent Classification (IPC) or national classification and IPC A01N37/52			
Applicant BASF AKTIENGESELLSCHAFT			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 11.08.2005	Date of completion of this report 05.12.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Fort, M Telephone No. +31 70 340-4123		



10/581109

AP3 Rec'd PCT/PTO 31 MAY 2005

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-24 as originally filed

Claims, Numbers

1-14 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
 4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-14
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-14
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: EP-A-0 604 798 (AMERICAN CYANAMID COMPANY; BASF AKTIENGESELLSCHAFT) 6 July 1994 (1994-07-06)
- D2: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; KUHN, D. G. ET AL: "Cycloalkyl-substituted amidrazones: a novel class of insect control agents" XP002330111 retrieved from STN Database accession no. 1998:294837
- D3: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; FURCH, J. A. ET AL: "Amidrazones: a new class of coleopteran insecticides" XP002330112 retrieved from STN Database accession no. 1998:294826

-Each of the documents D1-D3 discloses the insecticidal and acaricidal activity of compounds of formula (I) and their use for plant protection. The use of said compounds for combatting non-crop pests is not mentioned. The subject-matter of claims 1-14 is therefore new (Article 33(2) PCT).

- The subject-matter of claims 1-14 involves an inventive step in the sense of Article 33(3) PCT for the following reasons:

The present application solves the problem of providing new non-crop pest control agents, exhibiting broad spectrum activity against non-crop pests.

The experimental data demonstrate that the amidrazone of formula (I) are active against a broad spectrum of non-crop species, namely ants, flies, mosquitos, cockroaches, fleas, ticks and termites. Since N-arylamidrazones tested against crop pests have only average or poor activity against one or two insect or acarid orders (D1) and since specific N-arylamidrazones have been reported as being effective against Coleoptera and/or Lepidoptera depending on the presence and the position of substituents (D2-D3), it could not have been predicted from any of the cited documents or any combination thereof that the amidrazones of formula (I) are effective against a broad spectrum of non-crop pests.

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-The subject-matter of claims 1-14 is considered to be industrially applicable and the present application is therefore considered to satisfy the criterion set forth in Article 33 (4) PCT.